



Telephone Case Management Hearing Guide

You should not record the hearing as to do so may be contempt of court. If you have a special reason why you would like to make a recording please raise it with the Judge at the start of the hearing.

This guide is to help you to prepare for the telephone case management hearing (TCMH) which has been listed in your case, and to answer a few frequently asked questions about this type of hearing.

The purpose of the TCMH is for the parties to make arrangements for the progress of the case with a Tribunal Judge. It's therefore normal to discuss when statements and evidence are going to be filed, what the issues in the case are and how long it will take to hear. You will be asked to have your availability, and that of your witnesses, with you so that a hearing date can be set.

Sometimes a TCMH is organised just to discuss one issue, for example a direction for a third party to disclose evidence, or about whether cases relating to the same facts should be heard together. In some lengthy cases the Judge may direct a TCMH to ensure everything is ready for the hearing and that the timetable has been adhered to.

The hearing is relatively informal, but it is important to avoid speaking over someone else or interrupting when the Judge is speaking to someone else. You will be given the opportunity to explain your position.

The date and time of the hearing is fixed in advance and will only be changed if there is a good reason. If you need to change the time or date please contact the Tribunal as soon as possible and explain why you need to change. **Please confirm that you will be joining the hearing as requested in the invitation email/letter.**

It is essential for the parties to speak about these practical matters as soon as possible. You may not be on the same "side" but the Tribunal Rules require you to work together to assist with the practical arrangements for the case.

The Respondent will prepare a case summary and some draft directions and send them to you. These must be sent to the Judge 5 days before the hearing or as per the Directions issued by the Judge, indicating what is agreed and what is in dispute. Think carefully about how many witnesses you wish to call and how long you may need to ask questions of witnesses called by the other party. This will help the Judge to set a realistic time estimate for the case.

If you are able to agree all the directions with the other party and there are no issues which the Judge wants to raise it may not be necessary to have a TCMH. It's therefore a good idea to talk to the other party or their representatives at the outset to see what you can agree.

FAQS

1. Do I need a special phone?

No, in fact you can join a TCMH from anywhere. It is a good idea to have a pen and paper with you to make a note of what's said or any questions you might have. A hands free device can be useful.

2. How do I join the TCMH?

Detailed instructions on how to join are sent to you by the Tribunal staff. If there is anything you don't understand please do not hesitate to contact them.

3. What happens before I join?

If you are the first to join, you will have to wait for the Judge and the other Party/Parties to join. The hearing doesn't start until everyone has joined or had the opportunity to join. Don't be worried if you have to wait in silence for a couple of minutes. Please don't try to discuss the case with the Judge until everyone has joined, as she will refuse to answer.

4. What happens if I miss the hearing?

The hearing will carry on without you and you will miss the opportunity to have your say. If a decision is made that you are unhappy about you can write in to ask for a direction to be changed, and give your reasons for not attending the hearing.

What do I call the Judge?

When the Judge joins they will probably say "Good Morning Ms"
You may wish to say "Good morning Judge".

Please then refer to the Judge as "Sir" or "Madam".

Refer to the other party or their representative as "Mr...." or "Mrs....."

5. Who can be present with me?

You can have a friend to support you, or a legal representative. You will be asked who is with you and they can introduce themselves to the Judge or you can say who they are.

6. How long will the hearing last?

There is no set rule. Hearings usually take about half an hour.

7. When will I get a copy of the directions which are made?

You will receive the directions in about 5 working days from the hearing.

8. Will the Judge make a decision about my Appeal?

TCMH hearings are normally about directions to help with the smooth running of the case. If there is a dispute about how the case should proceed and you can't agree the Judge will make a decision. The Judge does not make the final decision about your case though – that will be made by the panel at the final hearing.

9. Will the Judge give me legal advice?

The Judge will explain procedure to you but she is independent of both you and the other party or parties so she cannot give you legal advice. If there are legal issues in the case the Judge will try to explain them to you in layman's terms, but she cannot advise you what to do.

We hope that this guidance has been useful to you in preparing for your TCMH. We would welcome your feedback or any suggestions you may have for improving this document.